United Nations A/60/172

General Assembly

Distr.: General
29 July 2005

Original: English

Sixtieth session
Item 107 of the provisional agenda*
Crime prevention and criminal justice

Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General

Summary

The present report, to be considered in conjunction with the Report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.203/18), has been prepared pursuant to General Assembly resolution 59/151 of 20 December 2004. It highlights the main features of the Eleventh Congress, including the high-level segment, the discussions on the substantive items on its agenda and the outcome of the workshops held within the framework of the Congress, as well as the adoption of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice. The report also contains a summary of the thematic discussion on the conclusions and recommendations of the Eleventh Congress that took place during the fourteenth session of the Commission on Crime Prevention and Criminal Justice.

* A/60/150.

V.05-86928 (E) 220805 230805

1. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was held in Bangkok from 18 to 25 April 2005. The main theme of the Congress was "Synergies and responses: strategic alliances in crime prevention and criminal justice". About 2,370 persons participated in the Congress; the participants included 88 government ministers, attorneys general and other high-level officials, in addition to other government representatives, observers for 167 non-governmental organizations and 1,135 individual experts. At the Congress and subsequently at the fourteenth session of the Commission on Crime Prevention and Criminal Justice, there was recognition of the unique character of the Congress, which combined political leverage and expertise and which served as a forum for the worldwide sharing of knowledge and exchange of experience. The importance of the conclusions and recommendations of the Congress were also recognized. Profound gratitude was expressed during the Congress, as well as during the fourteenth session of the Commission, to the people and Government of Thailand for their warm and generous hospitality towards the Congress participants and for the excellent organization of the Congress.

2. The Congress was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, of 18 December 1991, 56/119 of 19 December 2001, 57/170 of 18 December 2002, 58/138 of 22 December 2003 and 59/151 of 20 December 2004.

3. Extensive preparations had taken place prior to the Congress. On the recommendation of the Commission on Crime Prevention and Criminal Justice, acting as the preparatory body of the Congress, the General Assembly adopted resolution 58/138, in which it approved the provisional agenda for the Congress, including the substantive items of the agenda; decided on the issues to be considered by the workshops to be held within the framework of the Congress; and also decided that a high-level segment should be held during the last three days of the Congress. Regional preparatory meetings for the Congress were held in Addis Ababa from 1 to 3 March 2004, in cooperation with the Economic Commission for Africa; in Bangkok from 29 to 31 March 2004, in cooperation with the Economic and Social Commission for Asia and the Pacific; in San José from 19 to 21 April 2004, at the invitation of the Government of Costa Rica and in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders; and in Beirut from 28 to 30 April 2004, in cooperation with the Economic and Social Commission for Western Asia.[1]

4. A report entitled "Fifty years of United Nations congresses on crime prevention and criminal justice: past accomplishments and future prospects" (A/CONF.203/15) was prepared by the Secretary-General of the Congress as a background document. In his report, the Secretary-General of the Congress stressed that past United Nations congresses on crime prevention and criminal justice had managed to develop material that might be regarded as "legislative", in the sense that it set out normative standards applicable to all States. Most of the material was "soft law", contained in resolutions of the relevant United Nations bodies. Increasingly, however, some of the material was being incorporated into treaty language or finding its way into the corpus of customary international law. Being the product of over a half a century of work, that material could hardly be described

as a complete "code" of recommended practices. The instruments represented areas on which it was possible to gain a wide degree of consensus at a particular time. There were some overlaps, some redundancies and some obsolescence; however, their impact in the development of criminal justice, the strengthening of the notion of the rule of law and, more generally, a universal conscience of propriety, liberty and respect for common values was unquestionable (A/CONF.203/15, para. 45).

5. The Secretary-General of the Congress noted in his report that although consolidation and reliance on the successes achieved in the 50 years that had passed since the congresses had begun were prudent and necessary, such a course of action must not stand in the way of developing and pursuing a common vision for the future. He emphasized that the international community could not afford to rest on its laurels. Much work remained to be done and more challenges were emerging daily. He noted that policy development in new areas demanding attention, such as new forms of economic crime or cybercrime, or conceptual development and implementation of new approaches to deal with emerging threats and their interrelationships were pressing needs to be addressed by the international community (A/CONF.203/15, para. 71).

6. The Congress also had before it a report on the state of crime and criminal justice worldwide (A/CONF.203/3), prepared by the Secretary-General in accordance with General Assembly resolution 59/151. A more elaborate draft study on trends in crime and justice, carried out jointly by the United Nations Interregional Crime and Justice Research Institute and the United Nations Office on Drugs and Crime, was made available to the Congress for comment.

7. In accordance with General Assembly resolution 59/151, a high-level segment of the Congress was held from 23 to 25 April 2005. The government ministers and other high-level government officials who participated in the high-level segment highlighted the broad range of issues on the agenda of the Congress and the many changes that had taken place since the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in April 2000. It was noted that terrorism, weapons of mass destruction and organized crime had become global threats. The Congress offered the international community a unique opportunity to exchange experiences and views on how to deal with those new challenges, especially in view of their interconnected nature and their serious impact on security, stability and development, as reflected in the report of the High-level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility" (A/59/565 and Corr. 1) and the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005). A number of pressing criminal justice issues were highlighted, including those relating to prison conditions and rights of victims, and the connection between criminal justice, the rule of law and global security was repeatedly underscored.

8. In conjunction with the high-level segment, a special treaty event was held to provide an opportunity for States to undertake treaty action in respect of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and the Protocols thereto (Assembly resolutions 55/25, annexes II and III, and 55/255, annex), the United Nations Convention against Corruption (Assembly resolution 58/4, annex) and four international instruments against terrorism deposited with the Secretary-General of the United Nations.[2]

Sixteen treaty actions (each representing the deposit of an instrument of ratification, acceptance, approval of or accession to one of the United Nations legal instruments) were undertaken during the event. Poland deposited the fortieth instrument of accession to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, on 4 April 2005, just prior to the Congress and Zambia became the forty-first State to ratify the Protocol, depositing its instrument of accession to the Protocol during the Congress (A/CONF.203/18, para. 102 (e)). On 3 July 2005, the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, the Firearms Protocol entered into force.

9. The Congress considered the following substantive items of the agenda:

(a) Effective measures to combat transnational organized crime;

(b) International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime;

(c) Corruption: threats and trends in the twenty-first century;

(d) Economic and financial crimes: challenges to sustainable development;

(e) Making standards work: fifty years of standard-setting in crime prevention and criminal justice.

For its consideration of those items, it had before it the working papers (A/CONF.203/4 and Corr.1, A/CONF.203/5, A/CONF.203/6 and A/CONF.203/7) and the discussion guide (A/CONF.203/PM.1 and Corr.1) that had been prepared by the Secretariat and the reports of the regional preparatory meetings. The conclusions and recommendations made by the Congress under each of those agenda items are included in the report of the Congress (A/CONF.203/18, chap. V).

10. In accordance with General Assembly resolution 59/151, workshops were organized with the assistance of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network on the following topics:

(a) Enhancing international law enforcement cooperation, including extradition measures;

(b) Enhancing criminal justice reform, including restorative justice;

(c) Strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk;

(d) Measures to combat terrorism, with reference to the relevant international conventions and protocols;

(e) Measures to combat economic crime, including money-laundering;

(f) Measures to combat computer-related crime.

The conclusions and recommendations of the workshops are contained in the report on the Congress (A/CONF.203/18, chap. VI).

11. In addition, 42 ancillary meetings were organized by non-governmental organizations during the Congress, and more than 20 national position papers were

presented by Governments before or during the Congress, in accordance with General Assembly resolution 59/151.

12. Pursuant to General Assembly resolution 59/151, the Commission on Crime Prevention and Criminal Justice had started to prepare a draft declaration during the intersessional period following its thirteenth session, to be made available at least one month prior to the commencement of the Congress. In order to facilitate the preparation of the draft declaration, the Government of Thailand conducted informal consultations with other interested Governments and regional groups concerning the format and content of the draft declaration. An open-ended informal group, chaired by Thailand, held 12 meetings in which a large number of countries in all regions were represented and agreed on a preliminary text of the draft declaration. That text was endorsed at an intersessional meeting of the Commission held in March 2005 and was made available to all Member States. The preliminary text served as the basis for the deliberations on the draft declaration during the Congress.

13. On 25 April 2005, the Congress adopted the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/18, chap. I, resolution 1). The Bangkok Declaration addresses major crime and criminal justice issues of concern for the international community, such as transnational organized crime, trafficking in human beings, corruption, terrorism, money-laundering, cybercrime, treatment of prisoners, juvenile justice and restorative justice, and calls for enhanced international cooperation, including through the implementation of existing international instruments on crime prevention and terrorism and through the provision of technical assistance upon request. The Bangkok Declaration, a crucial political document, lays the foundation and shows the direction for future action by the international community in strengthening international coordination and cooperation efforts in order to prevent and combat crime.

14. In its resolution 59/151, the General Assembly requested the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixtieth session. Accordingly, the thematic discussion of the Commission was focused on possible ways and means of putting into effect the road map contained in the Bangkok Declaration, in order to create synergy and galvanize strategic alliances in the fight against crime. Several options were proposed for consideration, taking into account the experiences made with the follow-up to the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress in April 2000 and endorsed by the General Assembly by its resolution 55/59 of 4 December 2000. Further details of that discussion are contained in the report of the Commission on its fourteenth session.[3]

15. During the fourteenth session of the Commission on Crime Prevention and Criminal Justice, a workshop on the theme "Working modalities and substantive results: report on the Eleventh Congress workshops and ancillary meetings" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and coordinated by the United Nations Interregional Crime and Justice Research Institute with a view to considering the

recommendations made at the workshops held during the Congress and to discuss their follow-up. At that session of the Commission, it was noted that the potential for exchange of information provided by the congresses could be enhanced by ensuring a more focused formulation of the subjects to be covered by the workshops, by providing for more interaction between experts and delegations and by using the results of the workshops as input for the discussion of substantive items.[4]

16. Pursuant to General Assembly resolution 59/151, the Commission on Crime Prevention and Criminal Justice recommended that the Economic and Social Council approve for adoption by the Assembly a draft resolution entitled "Eleventh United Nations Congress on Crime Prevention and Criminal Justice",[5] in which the Assembly would endorse the Bangkok Declaration adopted by the Eleventh Congress, invite Governments to take the Declaration and the recommendations adopted by the Congress into consideration in formulating legislation and policy directives and invite Member States to identify areas where further tools and training manuals based on international standards and best practices would be needed. In the draft resolution, the Assembly would also request the Secretary-General to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Declaration for consideration and action by the Commission at its fifteenth session. The Assembly would also request the United Nations Office on Drugs and Crime to engage in consultations with the Governments of the States that have offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and to report thereon to the Commission.

Notes

[1] For the reports of the regional preparatory meetings, see A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

[2] The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII), annex); the International Convention against the Taking of Hostages (Assembly resolution 34/146, annex); the International Convention for the Suppression of Terrorist Bombings (Assembly resolution 52/164, annex); and the International Convention for the Suppression of the Financing of Terrorism (Assembly resolution 54/109, annex).

[3] *Official Records of the Economic and Social Council, 2005, Supplement No. 10* (E/2005/30), chap. III.

[4] Ibid., para. 46.

[5] Ibid., chap. I, sect. A, draft resolution II.